

ENTERED ON DOCKET
MAY 21 2010

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 7
SUSAN ELAINE HIGHSMITH,) CASE NO. 10-74099 - MHM
Debtor.)

**ORDER DENYING DEBTOR'S APPLICATION
FOR WAIVER OF CHAPTER 7 FILING FEE**

This case commenced when Debtor filed her bankruptcy petition *pro se* May 11, 2010. With the petition, Debtor filed an application for waiver of the Chapter 7 filing fee (the "Application").

A debtor qualifies for waiver of the filing fee under 18 U.S.C. §1930(f) if the debtor's income is "less than 150 percent of the income official poverty line [as last published by the United States Department of Health and Human Services] . . . applicable to a family of the size involved and is unable to pay that fee in installments." The burden of proof rests with the debtor. *See* Judicial Conference of the United States Interim Procedures Regarding the Chapter 7 Waiver Provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

On the Application, Debtor lists a two-person household. Debtor shows her annual income and annual expenses approximate \$22,851 and \$27,120, respectively. Debtor's annual income exceeds the maximum income for a waiver of the filing fee under 28 U.S.C. §1930(f), which, for a family of two is \$21,855 (150% times \$14,570). Therefore, Debtor

does not meet the threshold eligibility requirement for waiver of the filing fee. Accordingly, it is hereby

ORDERED that Debtor's Application for waiver of the Chapter 7 filing fee is *denied*.

Debtor may *either*:

(a) pay the Chapter 7 filing fee in full within ten (10) days of the date of entry of this order; *or*

(b) begin making installments payments as follows:

- \$75.00 on or before 10 days from the date of entry of this order;
- \$75.00 on or before 40 days from the date of entry of this order;
- \$75.00 on or before 80 days from the date of entry of this order;
- \$74.00 on or before 120 days from the date of entry of this order.

All payments must be made by cash, money order, cashier's check, attorney's check, or trustee's check, payable to "Clerk, United States Bankruptcy Court."

If Debtor fails to timely pay the filing fee as set forth above, this case may be dismissed without further notice or hearing.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Debtor, the Chapter 7 Trustee and the U.S. Trustee.

IT IS SO ORDERED, this the 20th day of May, 2010.


MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE